

## EXPLANATORY STATEMENT

Issued by the authority of the Minister for Tertiary Education, Skills, Jobs  
and Workplace Relations

*Safety, Rehabilitation and Compensation Act 1988*

Section 4 (1)

Safety, Rehabilitation and Compensation (Commonwealth Authority)

Notice 2011 (1)

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The *Safety, Rehabilitation and Compensation Act 1988* (the Act) provides workers' compensation coverage for Commonwealth employees, including employees of Commonwealth authorities and employees of licensed corporations.

Subsection 4(1) of the Act includes the definition of 'Commonwealth authority'. Under paragraph (c) of that definition, the Minister may declare certain types of bodies corporate to be a body corporate to which the Act applies. Where a body corporate is subject to such a declaration by the Minister, and was incorporated under a law of the Commonwealth, and is a body corporate in which the Commonwealth has a controlling interest, the body corporate will be a Commonwealth authority.

This declaration will make NBN Co Limited a Commonwealth authority for the purposes of the Act. NBN Co Limited is a company limited by guarantee, incorporated under the *Corporations Act 2001* with the Commonwealth as its sole member. Therefore NBN Co Limited satisfies the criteria required for a declaration to be made under paragraph (c) of the definition of 'Commonwealth authority'. NBN Co Limited is present throughout Australia and has been operating under State and Territory workers' compensation arrangements. However, coverage under the Act is appropriate given its status as a Commonwealth owned entity.

Consultation was undertaken with NBN Co Limited, the Department of Broadband, Communications and the Digital Economy, and the Department of Finance and Deregulation as the declaration was requested by these bodies. NBN Co Limited undertook consultation with its employees and with the ACTU.

An assessment was made by the Office of Best Practice Regulation which confirmed that a Regulation Impact Statement was not required for this declaration.

This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

This declaration will take effect from the 1 July 2011.